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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,294	05/17/2005	Elmo Marcus Attila Diederiks	NL 021199	5860
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EXAMINER				
VU, JIMMY T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/535,294

Applicant(s)DIEDERIKS, ELMO MARCUS
ATTILA**Examiner**

JIMMY T. VU

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The indicated allowability of claims 1 and 4-20 is withdrawn in view of the newly discovered reference(s) to Loughrey (U.S. Patent 6,960,892 B2). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta (U.S. Patent 6,724,159 B2) in view of Loughrey (U.S. Patent 6,960,892 B2).

As to claims 1 and 7, Gutta discloses a system (100, Fig. 1) and method for controlling a light source (160, Fig. 1) within an area (140, Fig. 1), the system comprising:

location means (audio/video capture device 150, Fig. 1) conceived to detect a position of at least one person (i.e. John Smith, refer to Fig. 2) within an area (140);

activity means (audio/video capture device 150, Fig. 1) conceived to detect a kind of activity (reading/sitting/bring in mail, Fig. 2) performed by the at least one person within the area; and

lighting control means (lighting controller, Fig. 1) conceived to control the light source (160) within the area in response to the detected at least one person and the kind of activity performed by the at least one person within the area (Fig. 1).

Gutta does not teach dating means conceived to determine a date and a time and the lighting control means is conceived to control the light source within the area in response to the determined date and time.

However, as evidenced by Loughrey, providing a dating means (time and date-based control devices, col. 6, lines 45-47)/(control 810 for providing time of day control, Fig. 8, col. 10, lines 16-19) is well known in the art. Therefore, it would have been obvious to one having skill in the art at the time of the invention was made to employ the light fixture of Gutta with the time and date-based control device(s) as taught by Loughrey in order to control the power to the light source for illuminating in an area.

As to claim 4, Gutta/Loughrey discloses the system further comprising noise means (audio/video capture device 150, Fig. 1, Gutta) conceived to detect noise [device 150 detect audio signal, Fig. 1, Gutta] within the area and the lighting control means (lighting controller) is conceived to control the light source within the area in response to the detected noise (Fig. 1, col. 2, lines 27-30, Gutta).

As to claim 5, Gutta/Loughrey discloses the system further comprising motion means (audio/video capture device 150, Fig. 1, Gutta) conceived to detect motion of the person within the area and the lighting control means (lighting controller) is conceived to control the light source within the area in response to the detected motion (Fig. 1, Gutta).

As to claim 6, Gutta/Loughrey discloses the system further comprising preference means (audio/video capture device 150, Fig. 1, Gutta) [device 150 including user profile(s) 200 as a preference device, Figs. 1 and 2, Gutta] conceived to determine a preference of a person [i.e. profile of John Smith, as in Gutta] and the lighting control means (lighting controller) is conceived to control the light source within the area in response to the preference of the at least one person (Fig. 2, Gutta).

A to claim 8, Gutta/Loughrey discloses the method for detecting an intensity [the intensity has been made by the person (John Smith) in the record rows 205 and 208, Fig. 2, Gutta] with which the kind of activity (refer to col. 3, lines 25-38, Gutta) is performed by the at least one person and the step of controlling the light source within the area in response to the detected intensity (lighting controller associated with the intensity detecting for control the light source, Figs. 1 and 2, Gutta).

As to claim 9, Gutta/Loughrey discloses a lighting arrangement (number of lighting device, refer to col. 1, lines 14-15, Gutta) comprising the system (100) according to claim 1.

As to claim 10, Gutta/Loughrey discloses the system wherein the activity means (150) is conceived to detect at least one kind of activity from the following kinds of activities: a person reading a book [same as reading a newspaper, refer to Fig. 2, col. 3, lines 28-29, Gutta].

As to claim 11, Gutta/Loughrey discloses the system wherein the lighting control means (lighting controller) is conceived to control multiple light sources (col. 2, lines 35-37, Gutta) within the area (140) in response to the detected at least one person and the

kind of activity (reading/sitting) performed by the at least one person within the area (Fig. 2, Gutta).

As to claim 12, Gutta/Loughrey discloses the system wherein the location means (video device 150) is configured to detect the position of the at least one person based upon an analysis of video images of the area (Figs. 1 and 3, Gutta).

As to claim 13, Gutta/Loughrey discloses the system wherein the activity means (video device 150, Gutta) is configured to detect the kind of activity performed by the at least one person based upon an analysis of video images of the area (Figs. 1 and 3, Gutta).

As to claim 14, Gutta/Loughrey discloses the system wherein the location means (150) is configured to detect a position of at least a second person (i.e. Jane Smith, Fig. 2, Gutta) in the area, and the lighting control means (lighting controller) is configured to control the light source (160) within the area in response to the positions of the at least one person and the at least second person [device 150 would detect the location of more than one person and send the signal to user profile(s) 200, then lighting controller control the light source 160, Figs. 1 and 2, Gutta].

As to claim 20, Gutta/Loughrey discloses the system further comprising intensity means [records 205 and 208 inside user profile(s) 200, Fig. 2, Gutta] conceived to detect an intensity with which the kind of activity (refer to col. 3, lines 25-38, Gutta) is performed by the at least one person and the lighting control means (lighting controller) is conceived to control the light source within the area in response to the detected intensity (Figs. 2, Gutta).

As to claim 16, Gutta/Loughrey discloses the method further comprising:
detecting an audio signal within the area [by audio device 150, Fig. 1, Gutta];
and controlling the light source (160) within the area in response to the detected audio signal [by lighting controller, Fig. 1, Gutta].

As to claim 17, Gutta/Loughrey discloses the method wherein the audio signal is a human voice [it is inherently that the audio device 150 detect the audio signal including a human voice, Fig. 1, Gutta].

As to claim 18, Gutta/Loughrey discloses the method further comprising:
analyzing received video images of the at least one person [by user event monitoring process 300, Figs. 1 and 3, Gutta]; and detecting the kind of activity performed by the at least one person within the area based at least in part upon the analysis [by user event monitoring process 300, Figs. 1 and 3, Gutta].

As to claim 19, Gutta/Loughrey discloses the method further comprising:
detecting a position of at least a second person within the area; and controlling the light source within the area in response to the position of the at least second person [device 150 would detect the location of more than one person and send the signal to user profile(s) 200, then lighting controller (in Fig. 1, Gutta) control the light source 160, Figs. 1 and 2, Gutta].

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 4-14 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Owens can be reached on (571) 272-1662. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

July 20, 2008

/Douglas W Owens/
Supervisory Patent Examiner, Art Unit 2821
July 21, 2008